

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>IRA MOORE,</b>	:	<b>CIVIL ACTION</b>
	:	
<i>Plaintiff,</i>	:	
v.	:	<b>NO. 21-05302</b>
	:	
<b>JANE DOE, et al.,</b>	:	
<i>Defendants.</i>	:	

**ORDER**

**AND NOW**, this **2<sup>nd</sup>** day of **May 2022**, upon consideration of Defendant City of Philadelphia’s Motion to Dismiss (ECF No. 21), it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. Plaintiff’s claim for violations of § 1983 (Count II) against the City of Philadelphia is **DISMISSED WITH PREJUDICE**;
2. Plaintiff’s claim of conspiracy to violate Plaintiff’s constitutional, civil and other rights (Count V) against all Defendants is **DISMISSED WITH PREJUDICE**;<sup>1</sup>
3. Plaintiff’s claim of intentional infliction of emotional distress (Count IV) against all Defendants is **DISMISSED WITH PREJUDICE**.<sup>2</sup>

---

<sup>1</sup> The Court previously dismissed with prejudice Plaintiff’s conspiracy claim against Defendants Cheryl McKnight, Mark Gibson, and Mercy Catholic Medical Center on the grounds that these private medical care providers were not acting under color of state law and do not fall within the exceptions for private citizens to be deemed as agents of the state. ECF No. 27.

<sup>2</sup> The Court previously dismissed with prejudice Plaintiff’s intentional infliction of emotional distress claim against Defendants Cheryl McKnight, Mark Gibson, and Mercy Catholic Medical Center on similar grounds. ECF No. 27.

4. Accordingly, the Clerk of Court is instructed to terminate the City of Philadelphia from the case.

**BY THE COURT:**

**/s/ Chad F. Kenney**

---

**CHAD F. KENNEY, JUDGE**